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Atty. Dkt. No. 037145-0701
(NC42207US)

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 13, 20 and 26 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 5-13, and 14-29 are now pending in this application.

In the July 25, 2006 Official Action, the Examiner rejected claims 1, 3-7, 9-13, 16-18, 20-23 and 26 under 35 U.S.C. §103(a) based upon U.S. Publication No. 2002/0142777, in the name of McGovern et al., in view of U.S. Patent No. 5,668,637, issued to Dent. Claims 2 and 15 was rejected based upon the McGovern et al. and Dent references in further view of U.S. Patent No. 5,974,323, issued to Doner. Claim 8 was rejected based upon the McGovern et al. and Dent references in further view of U.S. Publication No. 2002/0028655, in the name of Rosener et al. Claims 19 and 24 were rejected based upon the McGovern et al. and Dent references in further view of U.S. Patent No. 6,049,538. Lastly, claims 25, 27, 28 and 29 were rejected based upon the McGovern et al. and Dent references in further view of U.S. Patent No 5,299,228, issued to Hall.

In response to the Examiner's rejections, Applicant has amended independent claim 1 to more particularly describe how the wideband channel radio frequency is used for communicating user data when a device involved in the communication is not located in a cell boundary region. Similar amendments have been made to independent 13 and 20. In the case of claim 26, this claim has been amended to more particularly describe how, when the device approaches to a cell boundary, the device is handed to a narrowband frequency from a wideband frequency. With regard to each of the independent claims, these features provide the benefit of allowing the full bandwidth (and therefore high data rates) frequency to be used

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when there is a lower likelihood of interference caused by the operations of other devices. At the same time, by migrating to narrow bandwidths at boundary borders, an acceptable level of service can be maintained while maintaining a reduced risk of interference.

Applicant respectfully submits that it would not have been obvious to one skilled in the art to develop such a system, even with knowledge of the McGovern et al and Dent references. As the Examiner has already noted, the McGovern et al. references fails to teach or suggest the use of narrowband channel radio frequencies when a device is located in a cell boundary. The Examiner has taken the position that this feature can be found in the Dent reference. However, the Dent reference does not teach or even suggest arrangement where a wide bandwidth frequency is used away from cell boundaries and narrow bandwidth frequencies are used in the vicinity of such boundaries. Instead, the Dent reference is simply directed to a conventional dual-mode radio receiver that is merely *capable* of receiving narrowband and wideband signals. The Dent reference does not discuss any particular organizational structure for narrowband frequencies and the wideband frequency based upon the location of the device within a cell.

In the July 25, 2006 Official Action, the Examiner asserted that column 8, lines 7-28 and column 9, lines 9-40 of the Dent reference teach the use of narrowband frequencies when the device is in a cell boundary region. However, the teachings in these sections are significantly different than what is described in the pending claims. In particular, the Dent reference only discusses the circumstances surrounding a soft handover when narrowband frequencies are involved. However, these sections, and the reference as a whole, do not suggest that a wide bandwidth frequency is used when the device is away from a cell boundary. Similarly, the entire Dent patent is silent on the concept of strategically changing from wideband to narrowband (or vice versa) within a cell. In fact, these sections are the only portion of the Dent reference's specification that even discuss cell boundaries at all. Therefore, Applicant submits that the Dent reference cannot be interpreted as teaching a wideband frequency being used away from a cell boundary.

With regard to the McGovern et al. reference, Applicant reiterates its position taken in its May 1, 2006 Amendment and Reply. In particular, Applicant notes that nowhere in the

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McGovern et al. reference is there a discussion of allocating bandwidth based upon the location of the device, much less whether the device is located within a cell boundary. In fact, and as noted previously, cell boundaries are not even discussed in the McGovern et al. reference, much less discussed in terms of adjusting bandwidth based upon the proximity of the device to a cell boundary.

Because neither the McGovern et al. reference nor the Dent reference, either along or in combination with each other teach an arrangement where narrowband channel radio frequencies are used when a device involved in a communication is located in cell boundary regions, while the wideband channel radio frequency is used for when the device involved in the communication is not located in a cell boundary region, Applicant submits that each of independent claims 1, 13 and 20, as amended, are patentable over these references. Similarly, because the migration from a wideband frequency to narrowband frequencies when moving to a cell boundary is not discussed by the prior art, Applicant submits that amended independent claim 26 is patentable over these references as well. Lastly, because each of the other pending claims are directly or indirectly dependent upon one of the now-allowable independent claims, Applicant submits that each of the dependent claims is patentable over the cited prior art for at least the same reasons as discussed above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

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such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to
Deposit Account No. 50-0872.

Respectfully submitted,

Date NOVEMBER 7, 2006

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